

**Charles C. Meeker, Mayor**  
**James P. West, Mayor Pro Tem**  
**Mary-Ann Baldwin**  
**Thomas G. Crowder**  
**Philip R. Isley**  
**Rodger Koopman**  
**Nancy McFarlane**  
**Russ Stephenson**

**1:00 P.M. AND 7:00 P.M., TUESDAY**  
**NOVEMBER 4, 2008**  
**THE COUNCIL CHAMBER**

**NOTICE TO HEARING IMPAIRED:**

Audio enhancements have been installed in the Council Chamber. Assistive listening devices are available upon request. Interpreters for Deaf and Hearing Impaired are available. If needed, please provide a 24-hour notice by calling 890-3100 (voice) or 890-3107 (TDD).

**A. MEETING CALLED TO ORDER BY THE MAYOR**

1. Invocation - Reverend Jim Hodge, St. Giles Presbyterian Church
2. Pledge of Allegiance

**B. RECOGNITION OF SPECIAL AWARDS****C. CONSENT AGENDA**

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote.

**1. Biennial Review - Parks and Recreation Part-time Salaries**

In June 1990, City Council directed Administration to prepare a biennial study of hourly pay rates for part-time positions. Every two years these recommendations are forwarded to the Personnel Department for review.

The Parks and Recreation Department and Personnel Department have completed a biennial review of the hourly pay rates for the temporary part-time positions for fiscal year 2009. The estimated budget impact for FY 2009 is \$94,579.75. Adequate funds are included in the FY 2009 budget to cover these pay-rate adjustments. The part-time pay rates are recommended to become effective in December 2008. Additional material is in the agenda packet. Funds will be transferred administratively.

**Recommendation:**

Approve the recommended temporary part-time salary rates based on the biennial review results.

**2. Housing Assistance - City Employees**

According to Section 33(b) of the Charter of the City of Raleigh (being Chapter 1184 of the 1949 Session Laws, amended by S.L. 1991-312, S.L. 1993-649 and S.L. 1995-323, Section 1b) reads as written "... Nor shall any such official or employee be prohibited from participating in any rental or home ownership program sponsored or operated by the City, so long as the official or employee meets all the criteria for the program ... The award of any such housing assistance to an employee shall be noted in the minutes of the City Council." City employee William Aubut complied with all the criteria to qualify for the purchase of property with the assistance of the second mortgage program administered by the Community Development Department.

**Recommendation:**

That the City Council so note that in compliance with the Charter of the City of Raleigh, City employee Aubut did purchase property by meeting the criteria and participating in a City home ownership program.

**3. Land Gift from Rick Marshall - House Creek Greenway Corridor**

Rick Marshall is offering to donate to the City of Raleigh 1.38 acres of land along House Creek that is contiguous with two other donations accepted by the City of Raleigh. City Council must officially accept the donation presented by Mr. Marshall.

**Recommendation:**

Accept the land gift donation from Rick Marshall.

**4. Petition Annexations**

<u>Area Name Contiguous</u>	<u>Petitioner</u>	<u>Acres</u>	<u>Proposed Use</u>
Hyatt Hotel	Laurence Castonguay, Oxford Fun Select, Raleigh, LLC	6.80	Commercial
North Raleigh Christian Academy	Dr. S.L. Sherrill, North Raleigh Christian Academy, Inc.	7.72	Institutional
Loving Word Baptist Church	Joyce and Thurmon Hinton	.19	Institutional

**Recommendation:**

That these annexation petitions be acknowledged and that Council request the City Clerk to check their sufficiency pursuant to State statutes, and if found sufficient advertise for public hearings on Tuesday, December 2, 2008.

**5. Parade Routes****5.1 Various Streets in the Vicinity of Sanderford Road**

David Little, representing Upper Room Christian Academy, requests permission to hold a homecoming parade on Friday, November 14, 2008, from 2:00 p.m. until 3:00 p.m.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**5.2 Various Streets in the Vicinity of Hillsborough Street**

Susan Thompson, representing the Greater Raleigh Merchants Association, requests permission to hold the Raleigh Christmas Parade on Saturday, November 22, 2008, from 7:00 a.m. until 1:00 p.m. She requests a rain date of Sunday, November 23, 2008, from 12:30 p.m. to 4:30 p.m.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**5.3 Various Streets in the Vicinity of West Edenton Street**

Maria Gonzalez, representing Sacred Heart Cathedral, requests permission to hold a religious walk on Sunday, December 7, 2008, from 2:00 p.m. until 4:00 p.m.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**5.4 Various Streets in the Vicinity of Nash Square**

Dennis Embo, representing North Carolina Right to Life, requests permission to hold a march on Saturday, January 17, 2009, from 12:30 p.m. until 3:00 p.m.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**6. Road Races****6.1 100 Block of East Edenton Street**

Liz Stroff, representing Run for the Young, requests to change a date previously approved by Council for a road race from Saturday, January 10, 2009, to Sunday, January 11, 2009, from 1:00 p.m. until 4:00 p.m.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**6.2 Vicinity of NCSU Centennial Campus**

Jason Biggs, representing Finish Strong Event Productions, requests a street closure on Sunday, April 19, 2009, from 8:00 a.m. until 12:00 p.m. for a race.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**6.3 Vicinity of South Dawson Street**

Kimberly Swinson, representing local law enforcement members, requests a street closure on Saturday, April 25, 2009, from 8:00 a.m. until 11:00 a.m. for a bicycle race.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**7. Temporary Street Closings****7.1 Vicinity of Clock Tower Greenway**

Shelley Quinney, representing the Bedford at Falls River Homeowners Association, requests a street closure on Saturday, November 8, 2008, from 12:45 p.m. until 5:00 p.m. for neighborhood festival.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**7.2 1500 Block of Dixie Trail**

Jonna Maurer, representing the Dixie Trail neighborhood, requests a street closure on Sunday, November 23, 2008, from 12:30 p.m. until 4:30 p.m. for an art festival.

**Recommendation:**

Approve subject to conditions noted on the report in the agenda packet.

**8. Requests for Public Hearings****8.1 Rezoning Public Hearing**

The Planning Department has received 16 requests for rezoning to be held at the Tuesday, January 20, 2009, public hearing. There may be several text changes and comprehensive plan amendments.

**Recommendation:**

That one hearing is scheduled at 6:30 p.m., on the evening of Tuesday, January, 20, 2009, and that the zoning tour is held on Friday, January 16, 2009, starting at 8:30 a.m.

**8.2 Sidewalk Repairs**

It is requested that a public hearing be authorized to consider a project to repair broken sidewalks at the following location:

<b><u>LOCATION</u></b>	<b><u>TAX ID NUMBER</u></b>	<b><u>APPROXIMATE COST</u></b>
501 South Bloodworth Street	0100570	\$2,310.00

This work is to be assessed at 100 percent of actual cost to the adjacent property owner in accordance with Section 6-2023 of the City Code with payment due upon completion or over a ten (10) year payment option period.

**Recommendation:**

Adopt a resolution-of-intent for a Tuesday December 2, 2008, public hearing to consider the improvements.

**8.3 Falls of Neuse Road Realignment and Widening**

A design public meeting was held on November 3, 2008, for the realignment and widening of Falls of Neuse Road from Raven Ridge Road to New Falls of Neuse Road. It is now appropriate to schedule a public hearing to consider final authorization of the project to include paving, curb and gutter, sidewalk, a multipurpose path and a new bridge. Assessments would be applicable.

**Recommendation:**

Adopt a resolution-of-intent to schedule a public hearing for Tuesday, December 2, 2008, to consider the improvements.

**9. Easements****9.1 House Creek Greenway Conservation Easements - Resolution of Intent Adopted**

The City plans to acquire greenway/conservation easements for construction of a greenway trail along House Creek, which includes easements needed from the property of Thomas E. Humble and Sally R. Humble. Staff has proposed conveyance of a non-buildable City owned lot adjacent to the Humble's property in exchange for the needed greenway easements. A condition of the exchange would be that the City's lot could be recombined with the Humble's existing lot, but could not be used now or in the future as a means for subdividing the Humble's current lot. The City would also reserve a greenway easement of 26,532 sq ft on the non-buildable lot being conveyed to the Humbles located at 3420 Ocotea Street.

In summary, the exchange that is recommended by Parks and Recreation would involve 17,439 square feet of new greenway easement owned by the Humbles in exchange for a non-buildable lot located at 3420 Ocotea Street containing 1.29 acres, which was deeded to the City in 1973 at no cost by the original developer of this subdivision. Since the exchange will be mutually beneficial to both the City and Thomas E. and Sally R. Humble, it is recommended that there be no monetary consideration involved with this transaction.

**Recommendation:**

Approve the proposed exchange of Greenway/Conservation easement belonging to Thomas E. and Sally R. Humble for City property located at 3420 Ocotea Street, along with a Public Hearing for this exchange as required by statute.

**9.2 Property Easement Request - 800 Corporation Parkway**

A request has been received from Progress Energy for easements on City owned property located at 800 Corporate Parkway for the purpose of relocating a utility pole and the extension of an underground line within an existing transmission line easement on the City's property for the purpose of diverting electric power from one line to another to better manage the electric load.

The Construction Management Division of Public Works is managing this project and is in agreement with the easement need. A report is in the agenda packet.

**Recommendation:**

Approve the request.

**9.3 Easements Setback Reduction - Perry Creek Widening**

Council authorization is requested for the reduction of required front yard setback for two properties that are non-conforming because of the Perry Creek Road widening project. The properties are located at 7117 Perry Creek Road owned by Charity A. Miller and 7109 Perry Creek Road owned by Jean L. & Marjorie Claude. The current property setback exceeds the requirements of 30.0 feet and once the project is completed, the new property setback will be 25 feet and 23 feet respectively, which is non-conforming to City Code.

**Recommendations:**

- a. Make a finding, in accord with Code requirements, that the City's right of way acquisition, by causing the front yard setback non-conformity, deprives the property owner abutting the Perry Creek Road thoroughfare of reasonable use of property and area; and
- b. Reduce the required front yard setback for the properties as indicated above.

**9.4 Sanitary Sewer Easement Exchange - 3301 Hammond Road in Raleigh**

A request has been received from Michael Aull, Property Manager, Facilities Design and Construction, Wake County, property owner of 3301 Hammond Road in Raleigh, to exchange an existing 20-foot City of Raleigh sanitary sewer easement for a new 20-foot City of Raleigh sanitary sewer easement located at the Hammond Road Detention Center, 3301 Hammond Road, in Raleigh. The original alignment was required in a previous permit process to serve upstream parcels. The proposed easement exchange is to allow for an expansion of the detention center. The construction plans for the sanitary sewer main have been reviewed by the City of Raleigh Public Utilities Department. The property owner is responsible for all costs of the easement exchange.

**Recommendation:**

Approve the easement exchange and authorize the City Clerk to advertise.

**9.5 Sanitary Sewer Easement Exchange - Strickland Corners Shopping Center in Raleigh**

A request has been received from William L. Allen, Manager of Strickland Corners Retail Investors, LLC, property owner, to exchange an existing 20-foot City of Raleigh sanitary sewer easement for a new 20-foot City of Raleigh sanitary sewer easement located on four parcels at the southeast corner of Ray Road and Strickland Road in Raleigh. The proposed easement exchange is for better lot development of the parcels. The original alignment was for the previous development for the parcels which was never constructed. The construction plans for the now proposed sanitary sewer mains have been reviewed by the City of Raleigh Public Utilities Department. The property owner is responsible for all costs of the easement exchange.

**Recommendation:**

Approve the easement exchange and authorize the City Clerk to advertise.

**9.6 Sanitary Sewer Easement Sale - 3715 Western Boulevard in Raleigh**

A request has been received from Don Wetherby, Vice President of Engineering, of Wendy's International, Inc., property owner of 3715 Western Boulevard in Raleigh, to sell an existing 20-foot City of Raleigh sanitary sewer easement at the Wendy's Restaurant located at 3715 Western Boulevard in Raleigh. The easement sale is to convert a public sanitary sewer main, located under an existing building slab, to a private sanitary sewer main. The construction plans for the sanitary sewer main have been reviewed by the City of Raleigh Public Utilities Department. The property owner will be responsible for all costs of the easement sale.

**Recommendation:**

Approve the easement sale and authorize the City Clerk to advertise.

**10. Consultant Services**

**10.1 Telelanguage, Inc.**

It is necessary for the City to contract with Telelanguage, Inc., for the provision of emergency language translation services. These services are utilized by the Emergency Communications Center (ECC) for the real-time translation of non English speaking emergency callers. Telelanguage, Inc. is deemed the most qualified respondent to a City of Raleigh released Request for Proposal.

**Recommendation:**

Authorize the City Manager to sign the agreement with Telelanguage, Inc.

**10.2 Oversight Advisory Services - ERP Implementation**

On August 4, 2008, as part of the ERP system implementation efforts, the City issued a Request for Proposals for Oversight Advisory Services of the Enterprise Resource Planning (ERP) implementation. Such services are designed to provide ongoing validation that the ERP implementation meets all City requirements, particularly with respect to having all necessary financial controls in place. The following five vendors responded:

IBM

Government Finance Officers Association

Ernst & Young LLC (EY)

Berry Dunn McNeil & Parker (BDMP)  
Deloitte, LLC

A selection team comprised of representatives from the ERP team and the Information Technology, Finance and Budget departments requested presentations from Barry Dunn McNeil & Parker, Ernst & Young, and Deloitte. After careful analysis and consideration of many factors, the team selected Ernst & Young as the firm best qualified to provide the services desired.

It is appropriate that the ERP project management team now review the exact scope of services with Ernst & Young to match up with the final project plans being implemented. Administration requests the authority to negotiate and execute a contract with Ernst & Young LLC up to a maximum level of \$400,000. That maximum amount is covered by the current ERP project budget.

**Recommendation:**

Authorize administration to execute a contract with Ernst & Young LLC for oversight advisory services for the ERP implementation up to a maximum of \$400,000.

**11. Contract Amendments**

**11.1 Information Technology - FIS Data Conversion**

In preparation for the Enterprise Resource Planning (ERP) system, the City of Raleigh Information Technology (IT) Department has amended the June 11, 2008, contract with KamTech Systems, LCC to provide staff augmentation related to converting FIS data into the new ERP system. The services provided via this amendment will not exceed \$80,000 and the value of this contract is part of the ERP professional services budget which Council approved on May 20, 2008.

**Recommendation:**

Authorize Administration to amend the contract with KamTech Systems, LCC to migrate data from the FIS system in preparation for the ERP implementation.

**11.2 Professional Engineering Services for Little River Reservoir Project - Amendment #3**

The City currently has an agreement with Hazen and Sawyer, for Professional Engineering Services for the Little River Reservoir Project. Contract Amendment #3, in the amount of \$1,375,000, is for the preparation of the Environmental Impact Statement (EIS) for the proposed Little River Reservoir project, including development of a work plan for the preparation of and EIS in support of a 404 permit application for the project in coordination with the U.S. Army Corps of Engineers.

**Recommendation:**

Approve Amendment #3 and the budgetary transfer.

**Transferred From:**

348-8099-79001-975	EM Johnson Pilot Plant	\$1,000,000.00
348-9777-79001-975	EM Johnson WTP Warehouse Expansion	<u>375,000.00</u>
		\$1,375,000.00



Transferred To:

348-9491-79201-975	Little River Reservoir Impact Stmt	\$1,375,000.00
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**12. Budget Amendments****12.1 Administrative Services**

The following accounts should be increased by:

Revenue Account:

100-0000-53327-000	Rent OEP Building	\$98,244.00
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Expense Account:

505-9478-79499-975	OEP Restaurant - Other costs	\$98,244.00
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Purpose:

To respond to unanticipated infrastructure costs related to the OEP building restaurant space. Based on initial pre-construction architectural reviews of the One Exchange Plaza Building (OEP) restaurant space and available floor plans, an \$800,000 allowance was provided by the City to the tenant, Raleigh Restaurant Group (RRG), for infrastructure costs to bring the space to “vanilla box” condition. Following agreement and lease signing, additional demolition and study of the space revealed deviations in “as built” construction, when compared with OEP’s original floor plans, resulting in unanticipated infrastructure costs requiring the budget amendment. This additional cost will be offset with rental income.

**12.2 Parks and Recreation**

The following accounts should be increased by:

Revenue Account:

625-0000-53290-000	Miscellaneous Revenue	\$950.80
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Expense Account:

625-8024-70101-725	General Beautification Projects	\$950.80
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Purpose:

To accept donations from the Raleigh Garden Club in the amount of \$750 and a donation from the Neighbors of Mordecai mini park for improvements in the amount of \$200.80.

**12.3 Parks and Recreation**

The following accounts should be increased by:

Revenue Account:

100-6314-52610-000	Park Fees	\$150,000.00
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Expense Accounts:

100-6314-60011-535	Salaries-PT	\$100,000.00
100-6314-62005-535	Social Security	6,200.00
100-6314-62006-535	Medicare	1,500.00
100-6314-70101-535	Operating Supplies	9,300.00
100-6314-71219-535	Purchases for Resale	30,000.00

100-6314-71302-535	Electric Service	<u>3,000.00</u>
		\$150,000.00

Purpose:

To increase revenue and expenses to reflect full year operations at Pullen Park which was scheduled to be closed the second half of FY09 for capital improvements which have been delayed until FY10. The current appropriation for Pullen Park contains only six months of Part Time salaries, fringe benefits, operating supplies, contractual services and purchases for resale items.

**12.4 Police**

The following accounts should be increased by:

Revenue Account:

810-7267-51328-984	Federal Grant	\$374,120.00
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Expense Accounts:

810-7267-70201-984	Computer Operation & Accessories	\$ 32,000.00
810-7267-75105-984	Communication Equipment	<u>342,120.00</u>
		\$374,120.00

Purpose:

To budget accounts for funding from the US Department of Justice - COPS Technology Grant to purchase equipment to enhance interoperable communications in Wake County to include repeaters, satellite radios, 800 MHz portable radios and additional accessories for the department. There is no grant match required.

**13. Thoroughfare Facility Fee Reimbursement Contract**

2008 #19 Thoroughfare Facility Fee  
5401 North, LLC/  
6400 Louisburg Road/  
Priority 2 Project  
Total Reimbursement \$30,853.15

**Recommendation:**

Approve Contract.

**14. Electric Utility for Power Line Location and Relocation Easement and Driveway Construction Items - (Condemnation Request)**

Efforts have been unsuccessful to obtain needed easements; therefore, it is recommended that a resolution of condemnation be authorized for the following:

<b>Project Name:</b>	Perry Creek Road from Capital Blvd. to Louisburg Road
<b>Name:</b>	Ronnie L. Stell and Lula G. Stell
<b>Location:</b>	7008 Perry Creek Road

**Recommendation:**

Approve a resolution of condemnation for the easements needed from the above property.

**15. Change Orders - E.M. Johnson Water Treatment Plant 50 MGD Finished Water and Backwash Pump Addition - Change Order #13 - Dellinger, Inc.**

This change order is for a net increase of \$499,421.95 and time extension of 144 calendar days.

Reason: For additional work including the installation of a new Pressure Reducing Valve/Magnetic Flow Meter Vault, associated piping and instrumentation to convert the existing Clearwells at the G.G. Hill Water Treatment Plant into a Ground Storage Re-Pump Facility. Work also includes the installation of a new pump and standby emergency generator at the Lions Club Elevated Water Tank as required to improve water quality in the tank. Additional work also includes the repair of several areas of soil erosion to the existing Lagoon, East Raw Water Reservoir and West Raw Water Reservoir Impoundments at the E.M. Johnson Water Treatment Plant.

History:

Original contract amount	\$9,634,963.00
Previous net changes (ADD)	\$3,066,814.34
New contract amount	\$13,201,199.29

Budgetary accounts to be amended:

Transferred From:

348-9158-79001-975	EM Johnson Spill Containment Impvts	\$171,171.95
348-9781-79001-975	EM Johnson WTP Stream Restoration	<u>328,250.00</u>
		\$499,421.95

Transferred To:

348-9284-79202-975	EMJWTP 50 MGD Pump Install	\$499,421.95
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**Recommendation:**

Approve the change order in the amount of \$499,421.95, time extension of 144 calendar days, and the budgetary transfer.

**16. Transfer - Community Development**

It is recommended that the following transfer be authorized:

Transferred From:

100-1040-72002-102	Special Appropriations	\$20,000.00
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Transferred To:

735-3212-70001-310	AHTF-Office Supplies	\$ 1,000.00
735-3212-70101-310	AHTF-Op & Maintenance	1,400.00
735-3212-70301-310	AHTF-Print Copy RMB	3,000.00
735-3212-70890-310	AHTF-Contractual Services	14,500.00
735-3212-71208-310	AHTF-Postage	<u>100.00</u>
		\$20,000.00

Purpose:

To provide funding from Council Reserve Contingency to support the administration and activities of the Affordable Housing Task Force (AHTF).

**17. Bids****17.1 Poole Road Water Transmission Main Project**

Eighteen bids were received on October 7, 2008, for the construction of the Poole Road Water Transmission Main Project. This project is a component of the Town of Wendell and the Town of Zebulon Merger Agreements and costs for the project will be shared between the City, the Town of Wendell and the Town of Zebulon. Fechko Excavating, Inc., submitted the low bid in the amount of \$4,684,620. Fechko Excavating, Inc., submitted a 17.1% MWBE participation plan.

**Recommendation:**

Approve the low bid of Fechko Excavating, Inc., in the amount of \$4,684,620 and the budgetary transfer.

**Transferred From:**

348-9367-79001-975	DEB Water Transmission Main	\$2,010,962.12
348-9733-79001-945	Poole Road Rehab	997,279.78
348-9733-79001-946	Poole Road Rehab	<u>1,676,378.10</u>
		\$4,684,620.00

**Transferred To:**

348-9367-79202-975	DEB Water Transmission Main	\$2,010,962.12
348-9367-79202-945	DEB Water Transmission Main	997,279.78
348-9367-79202-946	DEB Water Transmission Main	<u>1,676,378.10</u>
		\$4,684,620.00

**17.2 Neuse River Pump Station Parallel Force Main Project**

Ten bids were received on September 30, 2008, for the Neuse River Pump Station Parallel Force Main Project. Mainline Contracting, Inc., submitted the low bid in the amount of \$1,123,225. Mainline Contracting, Inc., submitted a 53.5% MWBE participation plan.

**Recommendation:**

Approve the low bid of Mainline Contracting, Inc., in the amount of \$1,123,225 and the budgetary transfer.

**Transferred From:**

325-8829-79001-975	Neuse River Pump Station Force Main	\$ 328,258.00
349-8829-79001-975	Neuse River Pump Station Force Main	794,900.00
349-8829-79102-975	Neuse River Pump Station Force Main	<u>67.00</u>
		\$1,123,225.00

**Transferred To:**

325-8829-79202-975	Neuse River Pump Station Force Main	\$ 328,258.00
349-8829-79202-975	Neuse River Pump Station Force Main	<u>794,967.00</u>
		\$1,123,225.00

**18. Traffic**

Ordinances adopted by the City Council authorizing the following traffic changes will become effective seven days after Council action unless otherwise indicated.

**18.1    No Parking Zone - Mackinac Island Lane**

It is recommended that a No Parking Zone be established on the east side of Mackinac Island Lane, beginning at a point 110 feet south of Guard Hill Drive, and extending southward 415 feet.

A petition was received requesting this restriction along the parking lot of the subdivision's park.

**Recommendation:**

Approve and amend the Traffic Schedule.

Add to Traffic Schedule 13:

Mackinac Island Lane, east side, beginning at a point 110 feet south of Guard Hill Drive, southward 415 feet.

**18.2    Temporary Parking Restriction - Fayetteville Street**

It is recommended that a Temporary No Parking Zone be established on the east side of Fayetteville Street beginning at Lenoir Street northward 405 feet.

This is to establish adequate lane widths during construction in the 500 block of Fayetteville Street. The adjacent business has been informed of the request and agrees with the temporary closure.

**Recommendation:**

Approve and amend the Traffic Schedule.

Add to Traffic Schedule 13:

Fayetteville Street, east side, beginning at Lenoir Street northward to 405 feet.

**THIS IS THE END OF THE CONSENT AGENDA**

**D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION**

1. The Planning Commission recommendations on the following items were unanimous. The Council may wish to consider these items in the same manner as items on the consent agenda. Items marked with one asterisk (\*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with the pound sign (#) beside the Certified Recommendation number are located within the Falls Basin or the Swift Creek Watershed Protection Area. Items marked with the plus sign (+) beside the Certified Recommendation number indicate special conditions for stormwater management. Items marked with (VSPP) beside the Comment indicate that a Valid Statutory Protest Petition has been filed. \*\*Denotes Drainage Basins

	CR Number	Subject	Vote	Recommendations	Comments
1.	CR-11248	Z-33-08	9-0	Approval, Conditional Use, Amend Comp Plan	Six Forks Road, east side, north of Dublin Road intersection and south of Sandy Forks Road intersection <b>**(Big Branch)</b>
2.	CR-11250	Z-49-08	8-0	Approval, Conditional Use, Amend Comp Plan	Navaho Drive and Pinecrest Drive, northwest quadrant of the intersection <b>**(Crabtree)</b>
3.	CR-11251	Z-52-08	8-0	Approval, Conditional Use	Nowell Drive, west side, southwest of Trinity Drive intersection <b>**(Richland)</b>
4.*	CR-11252	Z-53-08	8-0	Approval	Neuse River-Richland Creek watershed area, bounded by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard <b>**(Richland Creek)</b>
5.	CR-11254	SP-36-08	8-0	Approval	Wake County Justice Center
6.	CR-11255	FP-3-08	8-0	Approval	New Hope Road Tributary to Marsh Creek

**(THE FOLLOWING ACTION WAS TAKEN BY THE PLANNING COMMISSION AT THEIR OCTOBER 28, 2008 MEETING, BUT NOT BY UNANIMOUS VOTE)**

7.	CR-11256	SP-13-01	8-1	Approval, Amend Comp Plan	Neuse Crossing (Revision)
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**(THE FOLLOWING ACTIONS WERE TAKEN BY THE PLANNING COMMISSION AT THEIR OCTOBER 28, 2008 MEETING, BY UNANIMOUS VOTE)**

1. **Z-33-08 - Six Forks Road, east side, north of Dublin Road intersection and south of Sandy Forks Road intersection, Conditional Use \*\*(Big Branch)**

This request is to rezone approximately 1.117 acres, currently zoned Residential-4. The proposal is to rezone the property to Office and Institution-1 Conditional Use District.

CR-11248 from the Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated October 29, 2008.

2. **Z-49-08 - Navaho Drive and Pinecrest Drive, northwest quadrant of the intersection, Conditional Use \*\*(Crabtree)**

This request is to rezone approximately 2.71 acres, currently zoned Office and Institution-1 and Conservation Management with Special Highway Overlay District-2, and Residential-6. The proposal is to rezone the property to Office & Institution-1 Conditional Use District and Conservation Management, with SHOD-2 remaining.

CR-11250 from the Planning Commission finds that this request is inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated September 15, 2008, and Conservation Management boundary maps dated September 26, 2008.

3. **Z-52-08 - Nowell Drive, west side, southwest of Trinity Drive intersection, Conditional Use \*\*(Richland)**

This request is to rezone approximately 3.42 acres, currently zoned Thoroughfare District. The proposal is to rezone a portion of the property to Office & Institution-2 Conditional Use District.

CR-11251 from the Planning Commission finds that the proposed rezoning is consistent with the Comprehensive Plan and that this request be approved in accordance with conditions dated October 29, 2008.

4.\* **Z-53-08 - Neuse River-Richland Creek watershed area, bounded by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard \*\*(Richland Creek)**

This request is to rezone approximately 5000 acres. The proposal is to adopt an Urban Water Supply Watershed Protection Area Overlay District.

CR-11252 from the Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends that this request be approved.

5. **SP-36-08 - Wake County Justice Center**

This request is for a 467,240 square foot building which is 182' tall (11 stories). The project's primary uses are 22 courtrooms (45,382 square feet), courtroom support office (290,721 square feet), 2 levels of parking containing 175 spaces and temporary inmate holding for courtroom appearance. The project provides two main access points with plaza spaces; one at the intersection of McDowell Street and Martin Street and one midblock on Salisbury Street. Vehicular entrance is located midblock on Martin Street. The subject block is intended to be recombined into a 2.43 acre site. The entire block is zoned Business Zone and Downtown Overlay District.

CR-11254 from the Planning Commission recommends approval with conditions.

**6. FP-3-08 - New Hope Tributary to Marsh Creek**

This is a request for FEMA Flood Map amendment proposed by the City of Raleigh Stormwater Management Division related to construction improvements to both Northshore Lake and Brentwood Today Lake as part of the City's Capital Improvement Program.

CR-11255 from the Planning Commission recommends that this Flood Map amendment be approved.

**(THE FOLLOWING ACTION WAS TAKEN BY THE PLANNING COMMISSION AT THEIR OCTOBER 28, 2008 MEETING, BUT NOT BY UNANIMOUS VOTE)**

**7. SP-13-01 - Neuse Crossing (Revision)**

This is the second request to amend the Master Plan that was approved by the City Council on April 14, 1998 in accordance with condition #6 of Z-62-95, and in conjunction with conditions of SP-13-01 and SP-3-97 (which was a shopping center site plan on 47 acres that has sunset). The first request to amend the master plan was proposed on the property to the north which was approved to change 36 acres from residential uses to commercial uses, of which only 3 acres permitted either retail, hotel or motel. With approval of this request, the conditions of SP-13-01 will remain.

CR-11256 from the Planning Commission recommends approval with conditions.

**E. REPORT AND RECOMMENDATION OF THE CITY MANAGER****1. Lake Johnson Dam Improvements**

During Tropical Storm Alberto, in June 2006, the water level at Lake Johnson rose to within approximately one foot of the crest of the dam and caused damage to the spillway. An emergency action plan was implemented and emergency repairs to the spillway were completed within six weeks. As a result of a follow-up comprehensive engineering evaluation study of the dam and spillway structure, recommendations were made about permanent repairs and improvements necessary to prevent any reoccurrence of damage to the spillway and eliminate further risk to the dam. The analysis indicated the existing spillway has less than 20% of the capacity necessary to pass the Spillway Design Flood as required by state regulations. After reviewing several alternative improvements, an option was selected for bringing Lake Johnson Dam into compliance with the state dam safety regulations. Public Utilities staff and consultants with Hazen and Sawyer will make a short presentation of the proposed option to improve the dam.

**Recommendation:**

That City Council confirms support of the proposed option to improve Lake Johnson Dam and authorize staff to hold a public meeting to answer questions concerning the Lake Johnson Dam Improvement Project.

**F. REPORT AND RECOMMENDATION OF THE PARKS, RECREATION AND GREENWAY ADVISORY BOARD****1. Strickland Road Park Master Plan**

The Strickland Road park site is a 37-acre Neighborhood Park located in northwest Raleigh on Strickland Road between Ray Road and Leesville Road. The property was purchased in 1998 and designated as a Neighborhood Park based on the Comprehensive Plan. The System Integration Plan, completed June 2007, stated the property was larger than recommended for a Neighborhood Park; therefore, the additional acreage provides



the opportunity to preserve natural areas and add features not typically found in neighborhood parks. On November 20, 2007, the Raleigh City Council approved a master plan process for the Strickland Road Park. In February 2008, City Council authorized staff to begin negotiations with Little and Little of Raleigh to conduct the Master Plan process. The Master Plan and public input process focused on five community-based meetings where citizens learned about the site, made recommendations, and provided comments on a preliminary draft program, schematic design alternatives and the Master Plan report. The final Draft Master Plan was presented to the Parks, Recreation and Greenway Advisory Board (PRGAB) on September 18, 2008, at which time the PRGAB heard public comment. On October 16, 2008, the PRGAB continued discussion of the Draft Master Plan and voted unanimously to forward the Draft Master Plan to City Council and recommend its adoption by Council. Included in the backup material is the Draft Master Plan Report, which includes a summary of the meetings. Public comments on the elements presented in the plan have been balanced on all issues except a little league ballfield, which was removed. At the October 16, 2008, PRGAB meeting, staff and consultants from Little and Little presented the Draft Master Plan for the Strickland Road park site. The Advisory Board unanimously voted to present this plan to City Council for consideration.

**Recommendation:**

Adopt the DRAFT Strickland Road Park Master Plan as recommended by the Parks Recreation and Greenway Advisory Board from the October 16, 2008, meeting.

**G. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE**

**1. 301 Hillsborough Street Partners Agreement**

The Committee recommends approval of an amendment to the 301 Hillsborough Street Partners agreement to reflect the Hillsborough Street Partners purchase on an accelerated basis and development schedule. A copy of the proposed agreement is in the agenda packet.

**2. Stormwater Escrow Fund Policy**

The Committee recommends that the City seek authority from the Legislature to assess property owners for the cost of repairing facilities in lieu of requiring escrow payments. An initial payment from the developer would still be required. If approved the assessment option would be used in lieu of the current replacement escrow account requirement and would reduce required legal documents and allow a homeowners association to pay only when a facility fails. It would also help reduce staff time in administering the replacement account program.

**3. Surplus Property - 411 Morson Street**

The Committee recommends that the Council declare surplus and authorize the sale of a small portion or edge of the existing parking lot between 411 Morson Street and 405 Morson Street to Morson Street Partners for \$1 subject to the upset bid process with the condition that a five-foot landscaping easement be excepted and reserved to the City of Raleigh at closing and with the further understanding Morson Street Partners would be required to recombine the strip with their property located at 405 Morson Street.

**4. State Street Infrastructure Project**

The Committee recommends that the City Council authorize staff to solicit formal bids for the construction of the infrastructure for State Street Redevelopment Affordable Housing Project.

The Committee further recommends that the City Council authorize the City Manager to enter into an agreement to sell Builders of Hope, Inc. up to 25 improved lots for \$28,160 each via the private sale process outlined in NCGS 160A-457. Builders of Hope, Inc. will relocate and rehab houses and place them on the property which will be sold to first-time home buyers. The Committee recommends that a public hearing be authorized for December 2, 2008, to consider the proposal.

**5. Items Pending**

Item #99-17 - Southeast Raleigh Economic Development (6/14/00)

Item #05-05 - John Winters Memorial (1/17/06)

Item #07-01 - Neighborhood Empowerment Initiative (12/4/07)

Item #07-22 - Inspection and Plan Approval Fees (6/23/08)

Item #07-23 - Water and Sewer Capacity Fees (6/23/08)

Item #07-30 - Plan Review Efficiency/Expedition (7/15/08)

Item #07-34 - Carolina Ballet - Request for Contract (10/7/08)

Item #07-37 - TC-10-05 - Surfacing Requirements for Existing Front Yard Parking for Single Family Detached and Duplex Dwellings (10/21/08)

**H. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE****1. SP-58-08 - Broughton High School Parking**

The Committee recommends the City Council approve SP-58-08 as follows:

- a. Up to 100 parking spaces will be allowed on campus.
- b. The configuration of the parking will be at the discretion of the design firm, but the configuration must comply with the symmetry of the parking lot.
- c. Cameron Street will be privatized for additional parking spaces.
- d. The eight recommended conditions of approval contained in the Staff Report for CR #11244 will be part of the City Council approval.
- e. The Wake County Public School System will consider other types of pervious surface that would allow flexibility in the future.

**2. Items Pending**

Item #03-29 - Development Standards - Fragile Neighborhoods (6/1/04)

Item #05-42 - Sustainable Urban Landscapes and Hillsides (11/21/06)

Item #07-02 - TC-5-07 - O&I Districts/FAR/Density Limitations (12/4/07)

Item #07-03 - Text Change - Prohibit Industrial Facilities in Residential Areas (12/4/07)

Item #07-10 - Tree Conservation Ordinance - Proposed Text Changes (1/22/08)

Item #07-15 - TC-1-08 - Building Lot Coverage within O&I Districts (4/1/08)

Item #07-29 - Thoroughfare Plan - MacNair Farms Preservation (9/2/08)

Item #07-31 - Z-32-08 - Falls of Neuse Road Conditional Use (9/16/08)

Item #07-35 - Stormwater Variance Request - Quest Academy School (10/21/08)

**I. REPORT AND RECOMMENDATION OF THE LAW AND PUBLIC SAFETY COMMITTEE**

1. No report.

2. **Items Pending**

Item #07-06 - Cowper Drive Park - Stream Restoration/Stabilization (3/4/08)

Item #07-09 - Oxbridge Court Paving (4/15/08)

Item #07-14 - Signs on State Right- of-Way - Human Relations Commission (10/7/08)

Item #07-15 - Taxi Licenses - Requirements/Regulations (10/7/08)

Item #07-16 - Inspections Administrative Fees-Holston Lane Properties - Appeal (10/7/08)

Item #07-18 - Amplified Music Entertainment District (10/21/08)

Item #07-19 - Paula Street Night Clubs - Problems/Violations (10/21/08)

**J. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE**

1. **Roanoke Park - Concerns**

The Committee recommends adopting Concept A for the redesign of Roanoke Park. Funds are available through the Parks and Recreation Capital Improvement Plan. Copies of the design concept and proposed expenditure plan are in the agenda packet.

This item will be held in committee for further discussion.

2. **Horseshoe Farm - Hager Smith Design**

The Committee recommends amending the Horseshoe Farm Park Master Plan to reflect actions taken by the City Council at its January 8, 2008 meeting which are as follows:

- a. Do not allow any clearing or paving in the Significant Natural Heritage Area (SNHA) for the canoe launch or trails, as recommended by the NC Natural Heritage Program. Clearing in the SNHA is allowed for the specific case where it supports the implementation of environmentally sensitive Raleigh Greenway connectivity. Allow only a gravel road to the canoe drop off area outside of SNHA and investigate alternate sites for a more robust, hardened canoe launch facility (for example, across the river off Highway 401 close to the Neuse River Bridge area).
- b. Move the parking lots from the middle of the park to a location closer to the existing gate (but not in the "fenced horse pasture") in order to maintain the natural vistas of the park.
- c. Incorporate the environmental stewardship recommendations-currently located in the master plan committee's cover letter - dated April 24, 2006, into the draft Master Plan under the section titled "Environmental Stewardship."
- d. After improvements to the access road have been addressed, trails, wildlife habitat enhancements, picnic facilities, and restrooms should have the highest priority for development.

The committee further recommends Phase 1 of the schematic drawing for Horseshoe Farm Park be put out in a request for proposals.

The committee further recommends that the Horseshoe Farm Park Wildlife Habitat Zones Advisory Team report their comments and recommendations to the committee at its first meeting in January 2009.

This item will be held in committee for further discussion.

**3. Items Pending**

Item #07-08 - Traffic Calming - Birnamwood Road (1/8/08)  
Item #07-14 - Reimbursement for Street Improvements - Rest Haven Drive (2/5/08)  
Item #07-27 - Traffic Concerns - Five Points Area (7/15/08)  
Item #07-29 - Trenton Road - Bicycle/Pedestrian Path (8/5/08)  
Item #07-30 - Bus Service to Urban Ministries (8/5/08)  
Item #07-32 - Neighborhood Traffic Management Program (9/2/08)  
Item #07-34 - Roanoke Park - Concerns (9/2/08)  
Item #07-36 - Residential Permit Parking - Visitor Passes (9/2/08)  
Item #07-37 - Traffic Concerns - Lake Boone Trail/Lacy Elementary School (9/2/08)  
Item #07-38 - TC-8-08 - Increased Stormwater Management Requirements (9/16/08)  
Item #07-40 - Horseshoe Farm - Hager Smith Design (10/7/08)  
Item #07-41 - Annexation - Neuse Baptist Church (10/7/08)

**K. REPORT OF MAYOR AND COUNCIL MEMBERS****L. APPOINTMENTS**

The following committees have appeared on past agendas and some nominations have been made. The Council may take action to make appointments or if the nominations have not been closed, which would be indicated on the agenda, additional nominations may be made on the ballot in the agenda packet. An asterisk beside a name means that person is presently serving on that board or commission.

**Arts Commission - One Vacancy**

Sarah Powers (Isley)  
Ralph Thompson (Baldwin)  
Rick Ruger (McFarlane)

**Human Relations Commission - One Vacancy**

No nominees.

**Planning Commission - One Vacancy**

Quince Flemming (West)  
Heather Vance (Koopman, McFarlane, Stephenson)

**Telecommunications Commission - One Vacancy**

No nominees.

**Transit Authority - One Vacancy - Alternate Member**

No nominees.

**M. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY****N. REPORT AND RECOMMENDATION OF THE CITY CLERK**

1. Minutes of the October 21, 2008, Council meeting and zoning hearing will be presented.

2. **Surplus Property - 1431 East Lane Street**

During the October 7, City Council meeting, the Council declared property at 1431 East Lane Street as surplus and authorized it for sale for re-use as affordable housing in as is condition via the upset bid process. The proposal was advertised in the *News and Observer* on October 9, 2008. All legal procedures have been followed; therefore, it is recommended that the Council adopt a resolution authorizing the sale of the property to St. Augustine's College for \$22,000.

3. A proposed resolution adjusting, rebating and/or penalties, exemptions, and relieving interest for late listing of property for ad valorem taxes is in the agenda packet. Adoption of the resolution is recommended.
4. The following preliminary assessment roll(s) will be presented. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, December 2, 2008, is recommended.

Sidewalk AR 381 - Currituck Drive (PW 2006-6)

Sidewalk AR 382 - Sidewalk Repairs (PW 2007-6)

**EVENING AGENDA - 7:00 P.M.****A. JOINT HEARING WITH THE RALEIGH HISTORIC DISTRICTS COMMISSION**

This is a hearing before the Raleigh City Council and the Raleigh Historic Districts Commission to consider adoption of ordinances designating the following properties as Raleigh Historic Landmarks:

1. St. Monica's School, 15 Tarboro Street (former location);
2. James S. Morgan House, 1015 Oberlin Road;
3. Chavis Park Carousel, Chavis Way and Park Road, Chavis Park;
4. David and Ernestine Weaver House, 1203 East Lane Street;
5. Arkansas Delaware & Vermont Connecticut Royster Confectioners Building, 207 Fayetteville Street.

All legal procedures have been followed and at the end of the hearings, the Council may adopt ordinances designating the properties Raleigh Historic Landmarks.

**B. REQUESTS AND PETITIONS OF CITIZENS**

1. Yanni Papanikolaou, George the Greek Grill, would like to discuss the increase on fees for permits for food vendors and various procedures for food vending.
2. Shirley Keita would like to discuss the City's denial of her claim relative to injuries she received in a fall in Lions Park.
3. Billy R. Bunn would like to discuss an extension in order to make repairs at 11 Star Street.
4. Richard Johnson, CitySpace Investment Group and others, would like to request actions recommended in the Saunders North Small Area Plan and amending the Raleigh Comprehensive Plan and CAMPO relating to South Saunders Street.
5. Dr. Michael T. Mettrey would like to discuss concerns about proposed sidewalk at 611 Daniels Street.
6. Attorney David H. Permar, Triangle Greenways Council, would like to request waiver of all present or future water, sewer, sidewalk, stormwater or street assessments for the 29.66 acre property located at 4701 Rock Quarry Road and 2549, 2553, 2601 and 2605 Friendly Trail. The Triangle Greenways Council has this property under contract for purchase with a grant from the Clean Water Management Trust Fund. The property will be subject to a conservation easement and held for future conveyance to the City of Raleigh for greenway or water quality protection purposes.
7. Wayne and Gloria Johnson, 714 Atwater Street, requests that the City stop what they feel is unfair targeting and harassment against them and drop all liens and wrongful lawsuits and retract statements made to the State Credit Union.
8. Richard C. Adams, Kimley-Horn and Associates on behalf of Empire Properties, would like to request temporary closure of Davie Street to through traffic from McDowell Street approximately 250 feet west in order to construct the proposed Davie Street Mixed Use Development.

**C. MATTERS SCHEDULED FOR PUBLIC HEARING**

1. A hearing to consider the annexation of the following areas. All legal procedures have been met in order to hold a public hearing. In accordance with these procedures no decision should be made concerning annexation of these areas at this meeting. If there are no questions the area can be placed on the next agenda to consider adopting an ordinance annexing that area. If there are questions concerning an area, it has been past

Council practice to refer the area to Comprehensive Planning Committee for further discussion. As required staff will make a brief presentation of the annexation report for each of the following areas:

- a. Battle Bridge Phase 1
  - b. Bentley Woods Phase 2
  - c. Berkshire Downs, Tracts 1 and 2
  - d. Ebenezer Church Road
  - e. The Falls Subdivision
2. A hearing to consider the following petitioned annexations. If following the hearings the Council wishes to proceed, it would be appropriate to adopt ordinances annexing the properties effective December 31, 2008, and adoption of a resolution placing the properties in the appropriate electoral districts.

**LOCATION**

**ELECTORAL DISTRICT**

New Hope Development & Intervening City Property	C
Tryon Place Townhomes and Right-of-Way	D
Mitchell Mill Motors, 3421 Forestville Road and Right-of-Way	B

3. A hearing to consider the installation of approximately 621 feet of 8-inch sanitary sewer main in the Rock Quarry Road annexation areas bounded by Rock Quarry Road, Barwell Road and Pearl Road with assessments on a front footage, area served and/or per lot basis. (PU2008-4)
4. A hearing to consider adoption of a resolution confirming charges for the following local improvements:
- a. Sidewalk AR 380 - Person Street according to charges outlined in Resolution 2008-691 adopted on October 7, 2008.
  - b. Water AR 1331A - Forestville Road according to charges outlined in Resolution 2008-692 adopted on October 7, 2008.
  - c. Sewer AR 1332A - Wake Chapel Church according to charges outlined in Resolution 2008-693 adopted on October 7, 2008.
5. A hearing to consider a traffic calming program along Anderson Drive.
6. A hearing to consider a traffic calming program along Mourning Dove Road.